

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DOROTHY FORTH, TROY TERMINE,  
CYNTHIA RUSSO, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL 38 HEALTH AND  
WELFARE FUND, LISA BULLARD,  
AND RICARDO GONZALES, On Behalf  
of Themselves and All Others Similarly  
Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No.: 1:17-cv-02246

Judge John Z. Lee

Magistrate Judge Sheila Finnegan

INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 295-  
295C WELFARE FUND, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No.: 1:17-cv-07515

Judge John Z. Lee

**PLAINTIFFS' MOTION FOR CONSOLIDATION OF RELATED ACTIONS AND  
APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL**

Plaintiffs Dorothy Forth, Troy Termine, Cynthia Russo, Lisa Bullard, Ricardo Gonzales, International Brotherhood of Electrical Workers Local 38 Health and Welfare Fund, and International Union of Operating Engineers Local 295-295C Welfare Fund ("Plaintiffs"), by their undersigned counsel, hereby move this Court, pursuant to Federal Rules of Civil Procedure 1, 42(a), and 23(g), for entry of an order: (1) consolidating the later-filed action *International*

*Union of Operating Engineers Local 295-295c Welfare Fund v. Walgreen Co.*, No. 17-cv-07515 (N.D. Ill.) (the “IUOEL 295 Action”) with the earlier-filed action *Forth v. Walgreen Co.*, No. 17-cv-02246 (N.D. Ill.) (the “Forth Action”), both currently pending before this Court (together, with the IUOEL 295 Action, the “Walgreens Actions”); and (2) appointing as Plaintiffs’ Interim Co-Lead Class Counsel Scott+Scott, Attorneys at Law, LLP (“Scott+Scott”) and Robbins Geller Rudman & Dowd LLP (“Robbins Geller”).

Defendant Walgreen Co. (“Walgreens”) has no substantive objection to consolidation or to Plaintiffs’ motion for appointment as Interim Co-Lead Class Counsel. However, Walgreens does object procedurally to the filing of the motion at this juncture, because Walgreens’ position is that the issue of consolidation should be resolved only after it is determined whether or not the *Forth* case will proceed at all.

Attached as **Exhibit 1** is a true and correct copy of the Class Action Complaint filed in the IUOEL 295 Action.

Attached as **Exhibit 2** is a proposed order, a copy of which will be submitted in Microsoft Word format to the Court by email.

**WHEREFORE**, Plaintiffs respectfully move for an order consolidating the Walgreens Actions and appointing Interim Co-Lead Class Counsel, and for such further relief as the Court deems necessary and just.

Dated: January 25, 2018

Respectfully submitted,

/s Joseph P. Guglielmo

Joseph P. Guglielmo (*pro hac vice*)

Carey Alexander (*pro hac vice*)

**SCOTT+SCOTT, ATTORNEYS AT LAW, LLP**

The Helmsley Building

230 Park Avenue, 17th Floor

New York, NY 10169

Telephone: 212-223-6444

Facsimile: 212-223-6444  
*jguglielmo@scott-scott.com*  
*calexander@scott-scott.com*

Erin Green Comite (*pro hac vice*)  
**SCOTT+SCOTT, ATTORNEYS AT LAW, LLP**  
156 S. Main Street  
P.O. Box 192  
Colchester, CT 06415  
Telephone: 860-537-5537  
Facsimile: 860-537-4432  
*ecomite@scott-scott.com*

Jason H. Alperstein (IL Bar #0064205)  
Mark J. Dearman (*pro hac vice to be filed*)  
Stuart A. Davidson (*pro hac vice to be filed*)  
**ROBBINS GELLER RUDMAN  
& DOWD LLP**  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: (561) 750-3000  
Facsimile: (561) 750-3364  
*jalperstein@rgrdlaw.com*  
*mdearman@rgrdlaw.com*  
*sdavidson@rgrdlaw.com*

James E. Barz (IL Bar #6255605)  
Frank A. Richter (IL Bar #6310011)  
**ROBBINS GELLER RUDMAN  
& DOWD LLP**  
200 South Wacker Drive, 31st Floor  
Chicago, IL 60606  
Telephone: (312) 674-4674  
Facsimile: (312) 674-4676  
*jbarz@rgrdlaw.com*  
*frichter@rgrdlaw.com*

Mario Alba, Jr. (*pro hac vice to be filed*)  
**ROBBINS GELLER RUDMAN  
& DOWD LLP**  
58 South Service Road, Suite 200  
Melville, NY 11747  
Telephone: (631) 367-7100  
Facsimile: (631) 367-1173  
*malba@rgrdlaw.com*

George C. Aguilar (*pro hac vice to be filed*)  
Gregory E. Del Gaizo (*pro hac vice to be filed*)  
Steven M. McKany (*admitted pro hac vice*)

**ROBBINS ARROYO LLP**

600 B Street, Suite 1900  
San Diego, CA 92101  
Telephone: (619) 525-3990  
Facsimile: (619) 525-3991  
*gaguilar@robbinsarroyo.com*  
*gdelgaizo@robbinsarroyo.com*  
*smckany@robbinsarroyo.com*

Melissa S. Weiner (*pro hac vice*)

Amy E. Boyle

Susan M. Coler

**HALUNEN LAW**

1650 IDS Center  
80 S. 8th Street  
Minneapolis, MN 55402  
Telephone: 612-605-4098  
Facsimile: 612-605-4099  
*weiner@halunenlaw.com*  
*boyle@halunenlaw.com*

Andrew A. Lemmon

**LEMMON LAW FIRM LLC**

P.O. Box 904  
15058 River Road  
Hahnville, LA 70057  
Telephone: 985-783-6789  
Facsimile: 985-783-1333  
*andrew@lemmonlawfirm.com*

Daniel K. Bryson (*pro hac vice*)

Jeremy R. Williams (*pro hac vice*)

**WHITFIELD, BRYSON & MASON, LLP**

900 W. Morgan Street  
Raleigh, NC 27603  
Telephone: 919-600-5000  
Facsimile: 919-600-5035  
*Dan@wbmlp.com*  
*Jeremy@wbmlp.com*

Michael S. Brandner, Jr.

**BRANDNER LAW FIRM, LLC**

1100 Poydras St., Suite 1502

New Orleans, LA 70163  
Telephone: 504-552-5000  
Facsimile: 504-521-7550  
*Michael@BrandnerLawFirm.com*

Joseph S. Tusa, Esq. (*pro hac vice*)  
**TUSA P.C.**  
P.O. Box 566  
Southold, NY 11971  
Telephone: 631-407-5100  
Facsimile: 516-706-1373  
*joseph.tusapc@gmail.com*

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Joseph P. Guglielmo, an attorney, hereby certify that the foregoing **MOTION FOR CONSOLIDATION OF RELATED ACTIONS AND APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL** was electronically filed on January 25, 2018 and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

/s Joseph P. Guglielmo

Joseph P. Guglielmo